

Town of Clarence
Town Environmental Quality Review Committee
(TEQR)
Meeting Minutes of July 17, 2006

Matthew Balling, Chairperson, called the meeting to order at 7:00 p.m.

TEQR Members Present:

Matthew Balling, Chairperson	Lisa Bertino-Beaser
Richard McNamara	Patrick Miner
John Moulin	Albert Schultz
Paul Shear	

Other Town Officials Present:

James Callahan, Director of Community Development
James Hartz, Assistant Director of Community Development
Jeffrey Grenzebach, Liaison
Steve Bengart, Town Attorney
Councilman Scott Bylewski

Other Interested Parties Present:

Don Swanson	Brad Davidzik
Rob Pidanic	Frank Kennedy
Leanne Voit	Nick Piestrak
Tim Krantz	Peter Sorgi
Brad Randacchio	

Item 1

Approval of Minutes

Motion by Paul Shear, seconded by John Moulin, to **approve** the minutes of the meeting held on June 19, 2006 with the following adjustment(s):

Agenda Item 4.d.- Bonhoff Demolition, 5955 Thompson Road, the second paragraph, third sentence under discussion is deleted and the following will replace it: Mr. Bonhoff explains that the pending Town of Clarence Historic Preservation Local Law could result in restrictions and requirements that would make ownership of the barn cost prohibited. Mr. Bonhoff seeks to acquire a permit to demolish the barn before this law takes effect.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

Item 2

Communications

DISCUSSION:

There are no communications to report at this time.

Item 3

Unfinished Business

a. Stage and Schurr Subdivision (awaiting phase II archeological report)

DISCUSSION:

This project continues to be tabled due to the lack of information related to the phase II archeological report. No new information has been forwarded.

ACTION:

Motion by Matt Balling, seconded by Albert Schultz, to **table** Agenda Item 3.a. pending the completed phase II archeological report.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

b. Roll Road Industrial Business Park, 8540 Roll Road (letter from NYSDEC)

DISCUSSION:

The property is located on the north side of Roll Road, east of Harris Hill Road. The project consists of 29.14 +/- acres and is zoned Industrial Business Park. The TEQR Committee has identified that permissible segmentation exists. A Part II EAF has been recommended for Industrial Park design. A formal recommendation on the project was tabled at the June 2006 meeting pending the correspondence for the NYS DEC. A letter from the NYS DEC was received on July 3, 2006 and is in the project file. The TEQR Committee is now free to recommend action.

Nick Piestrak is present.

Matt Balling explains that the letter from the NYS DEC did not indicate any impacts that could not be mitigated at the time of the development proposals come before the Town.

ACTION:

Motion by Lisa Bertino-Beaser, seconded by Paul Shear, to **recommend** a Negative Declaration, the applicant will be required to address storm water erosion and submit a plan acceptable to the DEC, evidence saying storm water detention, facilities and infrastructure including on-site sewer plan to be indicated.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

c. Creekwood Meadows Subdivision (coordinated review commenced on 6/28/06)

DISCUSSION:

The project is located on the north side of Roll Road, west of Newhouse Road. It consists of approximately 21.9 acres and is zoned Residential Single-Family. The Part I EAF was submitted by the applicant and was accepted by the TEQR Committee on June 19, 2006. The TEQR Committee recommended that the Town Board initiate coordinated review on this Type I action. The Town Board moved to initiate coordinated review on June 28, 2006. No formal comments have been received to date.

Matt Balling explains that the thirty (30) day comment period has not expired; therefore the TEQR Committee can not take action at this point.

ACTION:

Motion by Matt Balling, seconded by John Moulin, to **table** Agenda Item 3.c. until the August 2006 TEQR meeting to allow the expiration of the thirty (30) day comment period.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

d. Approval of Sewer Capacity within Sewer District #6 (coordinated review commenced on 6/28/06)

DISCUSSION:

The action of approving the sewer capacity from Erie County Sewer District #5 and Clarence Sewer District #6 in the resulting a forty-seven (47) lot subdivision was introduced to the TEQR Committee on June 19, 2006. The TEQR Committee recommended that the Town Board initiate

coordinated review on this Type I action. The Town Board moved to initiate coordinated review on June 28, 2006. No formal comments have been received to date.

Matt Balling explains that the thirty (30) day comment period has not expired; therefore the TEQR Committee can not take action at this point.

ACTION:

Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to **table** Agenda Item 3.d. until the August 2006 TEQR meeting to allow the expiration of the thirty (30) day comment period.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

- e. **Clarence Center Volunteer Fire Co. Demolition , 9415 Clarence Center Road (coordinated review commenced on 6/28/06)**

DISCUSSION:

The proposed demolition of William’s Hall was introduced to the TEQR Committee on June 19, 2006. The TEQR Committee recommended that the Town Board initiate coordinated review, which they did on June 28, 2006. No formal comments have been received to date. This is a Type I action.

Matt Balling explains that the thirty (30) day comment period has not expired; therefore the TEQR Committee can not take action at this point.

ACTION:

Motion by Matt Balling, seconded by Paul Shear, to **table** Agenda Item 3.e. until the August 2006 TEQR meeting to allow the expiration of the thirty (30) day comment period.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

- f. **Bonhoff Demolition, 5955 Thompson Road (coordinated review commenced on 6/28/06)**

DISCUSSION:

This is a barn that is proposed for demolition. It was introduced to the TEQR Committee on June 19, 2006; the TEQR Committee recommended that the Town Board initiate coordinated review. The Town Board moved to seek lead agency status on June 28, 2006. The coordinated review was commenced on June 26, 2006 on this Type I action.

Matt Balling explains that the thirty (30) day comment period has not expired; therefore the TEQR Committee can not take action at this point.

ACTION:

Motion by John Moulin, seconded by Albert Schultz, to **table** Agenda Item 3.f. until the August 2006 TEQR meeting to allow the expiration of the thirty (30) day comment period.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Recuse	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

g. SEQRA Sewer Addendum (amended version)

DISCUSSION:

Matt Balling explains this is a worksheet that the TEQR Committee will begin using for projects that involve sewer systems that serve Clarence. Currently those sewers are under the jurisdiction of two (2) different entities, the Town Engineer for certain districts and Erie County Sewer District #5 for other districts. On any project that hooks into these sewer systems, the Planning and Zoning Office will send the worksheet to the proper entity.

Item 4

New Business

a. Krantz Open Development Area (EAF handed out at June 19, 2006 meeting)

DISCUSSION:

The property is located on the north side of Lapp Road, west of Heise Road, it consists of 90+ acres and is zoned Agricultural Rural-Residential. The Part I EAF was distributed at the June 19, 2006 TEQR meeting. The project was introduced to the Town Board on May 10, 2006 where it was referred to the Planning Board. The project was before the Planning Board on June 7, 2006. The applicant is here to introduce the project and initiate the SEQR.

Don Swanson, with APEX Consulting, is present. Tim Krantz, the project applicant, is also present. Mr. Swanson explains that the project encompasses approximately 131 acres on the north side of Lapp Road. The lots will range from five (5) acres to almost eight (8) acres with the exception of lots three (3) and four (4). Lots three (3) and four (4) includes some land that has been designated as a

United States wetland reserve area with deed restrictions to that land. The project itself involves the construction of approximately 1,400 linear feet of road through a forty foot (40') wide private right-of-way to service the six (6) lots. The six (6) lots will be on individual septic systems. It will be a private road.

Albert Schultz said the project appears to contain portions from two (2) different lots. Mr. Swanson confirms that is correct. Mr. Schultz asks if there are any plans for the development of the unused portion of these lots. Mr. Swanson explains that the area in question is the designated United States wetland reserve area and can not be developed. Mr. Schultz also explained that the Erie County maps show two-thirds (2/3) of the proposed homes will be in floodplain areas. Mr. Swanson is aware of this.

Matt Balling has reviewed the Part I and found it to be complete.

ACTION:

Motion by Matt Balling, seconded Albert Schultz, to **recommend** that the Town Board initiate a coordinated review and solicit Lead Agency status for this proposal.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

Matt Balling explains the SEQR process to the applicant.

- b. Utilization of Sewer Capacity outside of Erie County Sewer District #5 for areas not included in a Sewer District and proposed Harris Hill Commons Open Space Design Subdivision (EAF for Harris Hill Commons handed out at June 19, 2006 meeting)**

DISCUSSION:

The action of expanding Sewer District #5 was referred by the Town Board on June 14, 2006. The sewer district expansion is to accommodate a proposed eighty-eight (88) lot Open Space Design Subdivision. The applicant is here to introduce and discuss the project.

Leanne Voit, of Greenman-Pedersen, Inc., is representing the civil engineers for the site. Peter Sorgi, representative for Windsor Ridge Partners, is present. Ms. Voit explains the proposal is for a mix of patio homes and single-family, making a total of approximately eighty-seven (87) lots.

Mr. Sorgi explains that there was a segmentation issue with regards to a parcel of land that was previously sold off from the master parcel. Mr. Sorgi was told that the new land owner had to apply for a minor subdivision. Jim Callahan advises the new land owner has applied for a minor subdivision.

Matt Balling asks how long the Town has been reviewing the residential use of this property. Jim Callahan explains that initially the proposal came in as a much larger project with mixed use

(commercial and residential), that was in 1996. The project received a Positive Declaration, a draft of an Environmental Impact Statement (EIS) was prepared, and there were numerous questions. A redesign of the site came forward and a second EIS was prepared in the late 1990's/early 2000's. The project faded.

The original engineering firm that worked with the applicant was William Schutt & Associates.

The site that is currently being presented consists of sixty-two (62) acres.

Matt Balling explains that the Town has to consider making a decision about the projects environmental with regards to the other lands being divided off.

Per the Planning Board there has not been a decision rendered regarding the split of the property.

Brad Randacchio, attorney for Harris Hill Development LLC who is the owner of the parcels that were split off, wants to go on record as saying they have no problem with the Town reviewing the entire master parcel as if it was never split off.

Mr. Sorgi asks if one EAF can be completed for the entire site, which will include the parcels that have been sold off. Matt Balling explains that the out-parcels need to be documented on the EAF under the Description of Action. The EAF that Mr. Balling is referring to does not have the acreage or dimensions for the other two (2) properties. Mr. Sorgi will amend the EAF to reflect the two (2) properties.

The property at the corner of Greiner Road and Harris Hill Road appears to be 4.33 acres in size. The parcel that runs on Sheridan Drive and Harris Hill Road is 14.76 acres in size.

ACTION:

Motion by Matt Balling, seconded by Albert Schultz, to **recommend** that the Town accept the Part I with a change to the Description of Action to include the following:

-two (2) lots consisting or 4.33 acres and 14.76 acres would remain as vacant building lots.

ON THE QUESTION:

Ms. Voit asks how they should list the applicant on the EAF, since there are two (2) different entities. Matt Balling said that since Harris Hill Commons is the primary applicant, the EAF should be in the name of Harris Hill Commons.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

ACTION:

Motion by Matt Balling, seconded by Paul Shear, to **recommend** that the Town solicit Lead Agency Status and commence the thirty (30) day comment period.

ON THE QUESTION:

Mr. Sorgi asks what the basis is for the Type I Action. Mr. Balling explains that the project is disturbing more than ten (10) acres of land, this calls for a Type I Action.

Matt Balling	Aye	Lisa Bertino-Beaser	Aye
Richard McNamara	Aye	Patrick Miner	Aye
John Moulin	Aye	Albert Schultz	Aye
Paul Shear	Aye		

MOTION CARRIED.

Mr. Balling advises the applicant to submit a revised EAF Part I reflecting the changes were requested. The overall calculations must be changed as well as adding to the Description of Action as discussed.

Item 5

Miscellaneous

- a. **Adequate Public Facilities Local Law/Amendments to Master Plan 2015 (EAF handed out at June 19, 2006 meeting)**

DISCUSSION:

The EAF generally outlined the environmental impact associated with the amendment to the Master Plan. The Town Board met with a consultant to update the Local Law and specifically identified the changes to the Master Plan. Jim Callahan suggests recommending the Town Board seek Lead Agency and starts a coordinated review with involved agencies.

Councilman Scott Bylewski explains that at the Town Board meeting of July 12, 2006 there was discussion with regards to the funding of the parks and that a fee schedule, with a cost of living component worked into it, may be appropriate.

ACTION:

Motion by Matt Balling, seconded by Albert Schultz, to **recommend** that the Town solicit Lead Agency Status and initiate a coordinated review subject to any minor changes in comments and language, particularly the reference made to the fee schedule versus an assessed value of the property to be dedicated.

Matt Balling Aye
Richard McNamara Aye
John Moulin Aye
Paul Shear Aye

Lisa Bertino-Beaser Aye
Patrick Miner Aye
Albert Schultz Aye

MOTION CARRIED.

b. Land Use Training

DISCUSSION:

The Town has received the certificate for the Land Use Training program. It will be kept in the Planning and Zoning office if anyone would like a copy.

Matt Balling opens the meeting to public comment:

Frank Kennedy, of 4540 Gentwood Drive, said that Harris Hill Commons should be investigated completely; he is concerned with the developer's ability to build everything correct.

Item 6

Next Meeting Date August 21, 2006

Meeting adjourned at 7:55 p.m.

Matthew Balling, Chairperson